

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

BARRY TERRELL KNAPPER,)	
)	
Petitioner,)	
)	
v.)	Case No.: 1:19-cv-01979-MHH-
)	HNJ
JIMMY KILGORE,)	
)	
Respondent.)	

MEMORANDUM OPINION

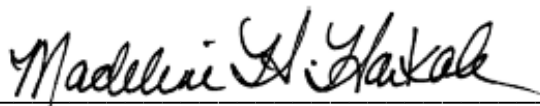
The magistrate judge entered a report on December 21, 2020, recommending that the Court dismiss without prejudice Barry Terrell Knapper's 28 U.S.C. § 2241 petition for a writ of habeas corpus because Mr. Knapper has not fully exhausted his state court remedies. (Doc. 8). The magistrate judge advised the parties of their right to file specific written objections within 14 days. (*Id.*) On January 8, 2021, the magistrate judge granted Mr. Knapper's motion for an extension of time to file objections and ordered him to file objections 14 days from the entry date of the order. (Docs. 9, 10). To date, the Court has not received objections from Mr. Knapper, and the state court electronic docket indicates that the state court has not ruled on Mr. Knapper's state court habeas petition.

Having reviewed and considered the materials in this court's electronic docket, including the report and recommendation, the Court adopts the magistrate judge's report and accepts his recommendation. By separate order, the Court will

dismiss Mr. Knapper's federal habeas petition without prejudice for failure to exhaust state court remedies.

A district court may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing, a "petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that "the issues presented were adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). The Court finds that Mr. Knapper's request for habeas relief does not satisfy either standard. If Mr. Knapper wishes to appeal the Court's decision, he may request a certificate of appealability from the Eleventh Circuit Court of Appeals. *See* Rule 11 of the Rules Governing Habeas Proceedings; Fed. R. App. P. 22.

DONE and **ORDERED** this February 19, 2021.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE